

MAY - 5 2011

Part of
Public Record

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

229458

STB Docket No. AB-6 (Sub-No. 463X)

**BNSF RAILWAY COMPANY – ABANDONMENT EXEMPTION – IN KING COUNTY,
WASHINGTON
(Redmond Spur, MP 0.00 to MP 7.30)**

STB Docket No. AB-6 (Sub-No. 465X)

229459

**BNSF RAILWAY COMPANY – ABANDONMENT EXEMPTION – IN KING COUNTY,
WASHINGTON
(Woodinville Subdivision, MP 11.25 to MP 23.80)**

STB Finance Docket No. 35407

229460

**GNP RLY INC. – ACQUISITION AND OPERATION EXEMPTION – REDMOND SPUR
AND WOODINVILLE SUBDIVISION – VERIFIED PETITION FOR EXEMPTION
PURSUANT TO 49 U.S.C. § 10502**

**MOTION OF KING COUNTY, WASHINGTON FOR LEAVE TO FILE A REPLY TO
GNP RLY'S MOTION TO STRIKE OR REJECT OR IN THE ALTERNATIVE FOR
LEAVE TO REPLY**

Communications with respect to this pleading should be addressed to:

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Dated: May 5, 2011

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SURFACE TRANSPORTATION BOARD**

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King County, Washington (the "County"), hereby moves this Board to file a reply to GNP Rly's Motion To Strike Or Reject Or In The Alternative For Leave To Reply filed in this proceeding on April 28, 2011 ("GNP Reply"). The County's proposed Reply is filed herewith. Although labeled a "Reply," GNP's filing seeks affirmative relief against the County and is more correctly considered an initial motion to which the County, as a party, is entitled to reply under Board procedures. Because the Board has ordered that no further papers be filed in this proceeding without leave, however, the County files this Motion.

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As a general matter, the Board permits parties to a proceeding to make an otherwise impermissible filing when it “provides a more complete record, clarifies the arguments, will not prejudice any party, and does not unduly prolong the proceeding. It is within the Board’s discretion to permit otherwise impermissible filings . . .” STB Docket No. AB-6 (Sub-No. 468X), *BNSF Railway Company — Abandonment Exemption — In Kootenai County, ID, slip op.*, at 1 (Service Date Nov. 27, 2009).

The County’s Reply meets these standards by clarifying the proper legal standard for addressing GNP’s requests in a brief statement. The County’s Reply does not address legal or factual issues previously raised. Accordingly, granting this motion will not extend the time required for the Board to address the issues raised in this proceeding and will not otherwise prejudice any party hereto or prolong this proceeding.

Respectfully submitted,



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Dated: May 5, 2011

CERTIFICATE OF SERVICE

I hereby certify that I am providing a copy of the foregoing MOTION OF KING COUNTY, WASHINGTON FOR LEAVE TO FILE A REPLY TO GNP RLY'S MOTION TO STRIKE OR REJECT OR IN THE ALTERNATIVE FOR LEAVE TO REPLY upon the following parties of record by first class mail with postage prepaid and properly addressed:

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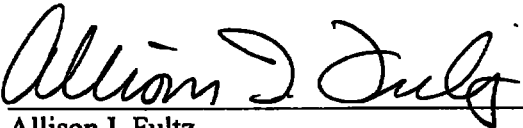
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Dated this 5th day of May, 2011